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Alyssa Ravenwood

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALYSSA RAVENWOOD,

Plaintiff,

v.

BOARD OF TRUSTEES OF THE
CALIFORNIA STATE UNIVERSITY;
MILDRED GARCIA, Chancellor of
California State University, in her official
capacity; TOM JACKSON, JR., President of
California State Polytechnic University,
Humboldt, in his official capacity; and
DOES 1-10,

Defendants.

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CASE NO.
Civil Rights

**COMPLAINT FOR INJUNCTIVE RELIEF,
DECLARATORY RELIEF, AND
DAMAGES:**

1. Violation of Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 *et seq.*)
2. Violation of Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794)

1 Plaintiff, on behalf of herself and all others similarly situated, hereby files this Complaint and
2 alleges as follows:

3 **INTRODUCTION**

4 1. Defendants Board of Trustees of the California State University (“Trustees”), the
5 Chancellor of California State University, and the President of California State Polytechnic University,
6 Humboldt provide a variety educational and artistic programs, services, activities, and facilities to the
7 public generally and to students at California State Polytechnic University, Humboldt (“Humboldt”).
8 These include access to the library, speaking events, art exhibits, and undergraduate classes available
9 to matriculated and non-matriculated students.

10 2. Plaintiff Alyssa Ravenwood (“Plaintiff” or “Ms. Ravenwood”) is physically disabled.
11 She requires use of mobility aids and devices, including a wheelchair. She is a student at Humboldt,
12 which is part of the California State University (“CSU”) system.

13 3. Unfortunately for disabled students like Plaintiff and disabled members of the public,
14 the Humboldt campus is replete with architectural and policy barriers that violate the Americans with
15 Disabilities Act. These barriers have denied Plaintiff full and equal enjoyment to her classes as an
16 undergraduate art student. They will also continue to deny her access to a variety of public events,
17 lectures, art exhibitions, the library stacks, and restrooms as a member of the public and alumna on an
18 ongoing basis after graduation.

19 4. These denials are not happenstance but intentional. Plaintiff and other disabled students
20 have repeatedly complained to Defendants regarding its inaccessible campus buildings, paths of travel,
21 and services, programs, and activities. Despite awareness and actual notice that harm would come to
22 disabled students, including Plaintiff, if Defendants’ programs, restrooms, and buildings were not
23 made accessible, Defendants have not remediated the barriers. After several years of documented
24 complaints by Plaintiff and other disabled persons to Humboldt, the campus remains inaccessible to
25 mobility disabled individuals who require a mobility aid or device, such as a wheelchair.

26 5. According to CSU’s 2017 “Fact Book,” CSU is the nation’s largest four-year public
27 university system, with 23 campuses and eight off-campus centers. According to student statistics
28 covering 2003- 2020 published on CSU’s website, CSU had over 1,100 students each year who self-

1 identify as having a mobility disability and received services for students with disabilities through
2 CSU.

3 6. Plaintiff has informed Defendants that she has been forced to navigate around
4 numerous architectural barriers at Humboldt and that such barriers have impeded her ability to access
5 the programs, services, and activities at Humboldt, yet Defendants have failed to remove barriers and
6 make accommodations to ensure Humboldt is accessible to her and other students with mobility
7 disabilities.

8 7. By failing to remove architectural barriers at Humboldt and failing to make reasonable
9 accommodations for Plaintiff, Defendants are violating basic requirements under federal law.

10 8. This Complaint seeks declaratory and injunctive relief to remedy Defendants' unlawful
11 policies and practices. Defendants must ensure that architectural barriers at Humboldt be removed so
12 that Plaintiff and other similarly situated individuals who have physical disabilities and require use of
13 a mobility aid or device have appropriate access to campus facilities and areas of Humboldt open to
14 the public.

15 9. Plaintiff was denied her rights to full and equal access at these facilities, and she was
16 denied her civil rights under federal law. She continues to have her rights denied because these
17 facilities were not, and are not now, properly accessible to physically disabled persons, including those
18 who use wheelchairs.

19 10. Plaintiff seeks injunctive relief to require Defendants to adopt policies, procedures,
20 practices, and/or training which provide persons with mobility impairments with the accessibility
21 features required under federal laws. Plaintiff also seeks recovery of damages for her discriminatory
22 experiences and intentional denial of access and violation of her civil and constitutionally fundamental
23 right to use the restroom, a denial that is continuing because Defendants fails to provide disabled
24 accessible paths of travel, facilities, and restrooms.

25 **JURISDICTION**

26 11. This Court has jurisdiction of this action pursuant to 28 U.S.C. § 1331 for violations of
27 federal law.

28 //

VENUE

12. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b). The primary real property which is the subject of this action is in this district, and Plaintiff's causes of action arose in this district.

13. This case should be assigned to the Eureka intradistrict, as the real property which is the subject of this action is in this intradistrict, and Plaintiff's causes of action arose in this intradistrict.

PARTIES

14. Plaintiff is a resident of Arcata, California, who lives close to Humboldt. She is a "person with a disability" or "physically handicapped person." Plaintiff has mobility issues caused by complications of necrotizing pancreatitis, which include muscle atrophy and some brain damage. Plaintiff suffers from chronic pain, neuropathy in her feet, which makes walking painful. Plaintiff's disabilities severely limit her ability to ambulate. She often requires the use of a wheelchair or scooter for locomotion.

15. If Plaintiff is forced to exert too much physical activity, for example, to navigate around physical barriers, such strenuous activity exacerbates fatigue, pain and neuropathy in her feet, and general pain throughout her body. Too much physical activity also exacerbates her brain injury-related disabilities.

16. Plaintiff cannot use portions of public facilities that are inaccessible to mobility disabled persons, including those who require the use of a wheelchair. Plaintiff is entitled by permit from the State of California to park any vehicle that she drives or in which she is transported, in a designated and properly configured disabled accessible parking space. Plaintiff requires parking places that are properly accessible, located on an accessible path of travel, and proximate to the public entryways to public facilities that she uses.

17. CSU is a governmental entity that operates public universities throughout California, including Humboldt.

1 18. Defendant Trustees adopt and oversee the implementation of all policies throughout the
2 entire CSU system, including Humboldt. Those policies include, *inter alia*, policies related to disabled
3 access at Humboldt.

4 19. At all times relevant to this Complaint, Defendant Trustees was and is the owner,
5 operator, lessor, and lessee of the businesses, properties, facilities and/or portions thereof of all CSU
6 campuses, including Humboldt, which is located at 1 Harpst Street, Arcata, California.

7 20. Defendant Chancellor Mildred Garcia is the chief executive officer of CSU and has
8 authority and responsibility to take whatever actions are necessary for the appropriate functioning of
9 each CSU campus, which include adopting and overseeing the implementation of all policies at
10 Humboldt. Those policies include, *inter alia*, policies related disabled access at Humboldt.

11 21. Defendant President Tom Jackson, Jr. is the chief executive officer for Humboldt and
12 has authority and responsibility to take whatever actions are necessary and consistent for the
13 appropriate functioning of Humboldt, which include adopting and overseeing the implementation of
14 all policies for the campus. Those policies include, *inter alia*, policies related to disabled access at
15 Humboldt.

16 22. Defendants Does 1-3 are public entities subject to Title II of the Americans with
17 Disabilities Act of 1990 (“ADA”) who own and/or operate Humboldt and/or own and/or operate the
18 property on which Humboldt was constructed. Defendant Does 4-10 are the employees and/or agents
19 of Defendants Trustees, Chancellor, and/or President.

20 23. The true names or capacities, whether individual, corporate, associate, or otherwise, of
21 defendants Does 1-10 are unknown to Plaintiff, who therefore sues said Doe defendants by such
22 fictitious names. Plaintiff is informed and believes, and thereon alleges, that each of the fictitiously
23 named defendants is in some manner legally responsible for the events and happenings herein referred
24 to, which caused injury and damages to Plaintiff as herein alleged. Plaintiff prays leave of Court to
25 amend this Complaint to show such true names and capacities when the same have been ascertained.

26 24. Plaintiff is informed and believes, and on such information alleges, that at all times
27 mentioned here, Defendants, and each of them, were the agents, servants, employees, and
28 representatives of each of the other Defendants, and performed all acts and omissions stated here

1 within the scope of such agency or employment or representative capacity, and/or as part of a joint
2 venture and common enterprise with one or more of the other Defendants, and are responsible in some
3 manner for the acts and omissions of the other Defendants in proximately causing the damages
4 complained of here. All actions alleged herein were done with the knowledge, consent, approval, and
5 ratification of each of the Defendants here, including their managing agents, owners, and
6 representatives.

7 **FACTUAL STATEMENT**

8 25. Plaintiff started her collegiate studies at College of the Redwoods for an Associate in
9 Arts degree. While she was attending College of the Redwoods, she did not encounter any significant
10 accessibility issues, achieved mostly “A” grades, received the “President's Award” for academic
11 excellence most semesters, and graduated with top honors.

12 26. In contrast, Plaintiff has struggled to complete her Bachelor of Fine Arts degree (BFA)
13 at Humboldt at all. From the moment Plaintiff started classes at Humboldt, she encountered many
14 architectural barriers in buildings that prevented her from accessing classes and necessary facilities,
15 such as restrooms and parking. Plaintiff made numerous requests to several Humboldt
16 representatives—including her professors, the Art Department, the Student Disability Resource Center
17 (“SDRC”), the Dean of Students, Office of the President, and the Ombuds Office—to make reasonable
18 accommodations for her disabilities and to remove architectural barriers preventing her from attending
19 and participating in classes, group art exhibits, and other campus activities that are part of her BFA
20 program and campus life generally. However, none of the people/offices she contacted have removed
21 any of the barriers she has complained of, and each “passes the buck” by referring her to another
22 office. As a result, Plaintiff’s grades have suffered. Her health has deteriorated. The effects of her
23 disabilities have been exacerbated by being forced to navigate the inaccessible and dangerous
24 Humboldt campus and by not being reasonably accommodated for her disabilities. To date, she
25 continues to experience daily access issues with physical barriers at Humboldt.

26 27. Plaintiff generally uses a manual wheelchair. She took out a loan to buy a motorized
27 scooter to try to navigate around the many physical barriers on campus because she would tire too
28 easily and could not access certain classes using her manual wheelchair.

1 28. As a BFA student, the buildings Plaintiff must access the most are Art A, Art B,
2 Sculpture Lab, Ceramics Lab, Founder's Hall, and the Theater.

3 29. Plaintiff has experienced difficulty accessing classes in Founders Hall, one of the main
4 academic buildings at Humboldt. Since Founders Hall is located at the top of a large hill, Plaintiff
5 attempted to use transportation through SDRC to access it. But the SDRC van dropped her and other
6 disabled riders off on the north side of the building, even though there is no curb cut to allow
7 wheelchair access to the sidewalk. Furthermore, the north entrance to Founders Hall is accessible only
8 by a set of stairs. The designated accessible entrance to Founders Hall, which includes a ramp, is on
9 the opposite side of the building (south). Plaintiff was forced to wheel herself hundreds of feet, the
10 length of one of the largest buildings on campus, to get to her classes.

11 30. Plaintiff has also encountered difficulty accessing the Sculpture Lab and Ceramics Lab.
12 The Sculpture Lab has a restroom that is extremely small and cannot accommodate someone who uses
13 a wheelchair because it lacks sufficient turn around space. Plaintiff has been unable to enter the
14 Ceramics Lab in her wheelchair because of steep changes of in elevation, a drain, and cracks in the
15 path of travel to the entrance. Also, inside the Ceramics Lab itself there are similar changes in
16 elevation in the path of travel that make accessing and using the classroom difficult and are tripping
17 hazards. Because Plaintiff can walk very short distances, she has been able to navigate around these
18 barriers at the entrance and inside the classroom to get her wheelchair in the lab, but she cannot enter
19 the Ceramics Lab without getting out of her chair and pushing it over and around the barriers in the
20 path of travel.

21 31. Art A has only one wheelchair-accessible entrance on the ground floor. The "ramp" to
22 this entrance is cracked and warped as depicted in the following photo:



32. When Plaintiff attempts to traverse this ramp, none of the wheels of her manual wheelchair or scooter touch the ground at the same time, which makes her feel anxious that she will tip over and injure herself. In her manual wheelchair, Plaintiff does not have the physical strength which would be required to push up this ramp. For over a week during Fall 2022 semester, a large tree branch blocked this ramp area—the most direct path of travel for Plaintiff and any wheelchair user to access Art A and the first floor of Art B. The tree branch was not removed despite Plaintiff's complaints to Humboldt representatives.

33. The other entrance to Art A has an automatic door opener but is down a flight of stairs as depicted in the following photo:



34. The only way to access the second floor of Art A is by an elevator that has been inoperable several times. Plaintiff missed class at times because this elevator was not working.

35. There is only one wheelchair accessible parking space by the ramp leading to the accessible entrance to Art A. The next closest accessible parking spaces are in front of Gist Hall, but

1 there is no accessible path of travel to get from these parking spaces to Art A. If Plaintiff cannot park
2 in the only accessible stall in front of Art A and is forced to park in one of the accessible stalls in front
3 of Gist Hall, to access the designated accessible entrance at Art A, she must wheel up a steep hill or go
4 to the Theater building, take the elevator to the second floor, travel through the courtyard and across to
5 Art A. This route is long and exhausts Plaintiff when she is forced to take this route. Additionally, the
6 Theater elevator has been inoperable several times, and when it is operable, it lurches and feels like it
7 is going to break down. Defendants have failed to ensure the Theater elevator, Art A elevator, and
8 other elevators like them that serve as necessary parts of the accessible path of travel on campus are
9 maintained to be good working order and accessible.

10 36. Additional accessible parking is located at the Science Building, which is across Laurel
11 Drive from Art A, but there is also no accessible path of travel to access Art A from this parking, as
12 there is no curb ramp to allow Plaintiff in either of her wheelchairs access to the sidewalk, as depicted
13 in the following photo:



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28 37. Additionally, Laurel Drive has a steep decline from Science to Art A (also depicted in
the photo above), which is dangerous for Plaintiff to attempt to travel with either her wheelchair or

1 scooter.

2 38. Because of the lack of accessible parking spaces that serve Art A and Art B, Plaintiff
3 has attempted to “share” the accessible parking space in front of Art A with another mobility disabled
4 student in the BFA program as a workaround to allow them both access. However, Humboldt’s
5 parking enforcement issued a ticket to the other student for sharing the stall with Plaintiff, despite
6 multiple requests that the ticket be waived because the “violation” was caused by the lack of
7 accessible parking. Plaintiff felt that Humboldt was retaliating against her and the other disabled
8 student for making their best effort to create access to their classes.

9 39. There is one set of restrooms that serves both the Art A and Art B buildings. This set of
10 restrooms is in Art B, at the top of a steep slope that connects the second floor of Art A with the first
11 floor of Art B. The restrooms are at the top of this slope on the first floor of Art B. The first time
12 Plaintiff tried to go up this slope in her manual wheelchair, her chair tipped over because she
13 experienced severe difficulty going up such a steep incline. She was forced to go up the slope
14 backwards, pushing her wheelchair with her feet to get up the incline. Going down the slope in her
15 wheelchair was very difficult and scary for Plaintiff. She had the brakes on her wheelchair and her feet
16 on the floor to slow down and prevent her from accelerating down the slope at a dangerous speed.

17 40. After Plaintiff struggles up the slope to reach the restroom in Art B from the second
18 floor of Art A, she experiences additional difficulty accessing the restroom itself. Like many other
19 restrooms at Humboldt, this restroom in Art A has two very heavy doors to get through before
20 reaching the toilet stall area. The first door leads to a small vestibule with storage or a small lounge,
21 and the second door leads to the toilet stalls. There are no electric door openers, and both doors are
22 very heavy and difficult to open. A lack of adequate strike-side clearance and negotiating space also
23 make these doors difficult for Plaintiff to open. Plaintiff has experienced difficulty every time she
24 opens the doors to get to the toilet stalls and again when trying to exit the restroom.

25 41. There is no wheelchair-accessible path of travel to get from accessible parking into the
26 Art B building. The two closest parking areas to Art B include the one designated accessible space
27 near Art A described above and other designated accessible spaces near the Library. Both require
28 Plaintiff to traverse long, circuitous routes that would not be possible to travel but for her use of a

1 motorized scooter. Even with her scooter, both routes cause her difficulty. For example, if she parks in
2 the designated parking space in front of Art A, she must travel up the Art A elevator, up the steep
3 slope connecting the second floor of Art A to the first floor of Art B, out the Art B building and over
4 to the Music Building front entrance, go to the back of the building up the elevator to the second floor
5 of the Music Building, then out the Music Building over to second floor of Art B. If she parks in the
6 Library, she must go up the Library roundabout, past the Library, Health Building, Siemens Hall,
7 Nelson Hall East, lower quad, upper quad—all of this uphill—then past the Music Building via the fire
8 lane over to the second floor of Art B. These paths of travel are long and unmanageable, especially for
9 Plaintiff as a disabled fine arts student who often travels with art supplies.

10 42. The BFA studios, where virtually all of Plaintiff's BFA program does its work, are
11 located on the second floor of Art B. Plaintiff wanted to have the experience of working together with
12 her fellow BFA students in the BFA studios, which is an integral part of the BFA program. Only if she
13 opted to park across campus at the Library and travel a long distance in her scooter (this distance was
14 unmanageable in her manual wheelchair), could she access the BFA studios.

15 43. Plaintiff made her best efforts to find workarounds to access the second floor of Art B,
16 including using SDRC transportation services to drop her off at the entrance. The SDRC van was
17 forced to obtain the gate code to access the emergency fire lane to drop Plaintiff off in front of the Art
18 B second-floor entrance. This SDRC drop-off option did not allow her to access Art B independently
19 and drew unwanted attention to Plaintiff, particularly when campus police or parking enforcement
20 would "scold" SDRC for using the fire lane. Plaintiff could not rely on SDRC transportation unless
21 she had several days of notice to request transportation from SDRC and knew exactly what times of
22 the day she needed to be dropped off and picked up. These limitations did not allow for any flexibility
23 if she needed to access Art B on short notice or if she did not want to leave at a scheduled time (e.g., if
24 she wanted to stay and chat with professors or other students after classes or work sessions).

25 44. In the Spring of 2023, the Art Department hosted the BFA Exhibition (the "2023
26 Exhibition" or "show")—where BFA students display their final works to their peers, professors, and
27 the public—in a private gallery space in Eureka, California, where the art would be installed on a
28 second floor that is inaccessible to wheelchair users. In prior years, the Exhibition was held at Morris

1 Graves Museum of Art, a venue accessible to people in wheelchairs like Plaintiff. However, the Art
2 Department moved the 2023 Exhibition to the inaccessible location, despite Plaintiff's numerous and
3 repeated complaints over her four years at Humboldt to the Art Department, her professors, and other
4 Humboldt representatives about accessibility issues on campus her need for accessible spaces.

5 45. When Plaintiff complained to her professors, Lindsay Kessner and Stephen Nachtigall,
6 about the inaccessibility of the 2023 Exhibition, Mr. Nachtigall said the party/reception for the show
7 could be hosted on the first floor of the building. When Plaintiff asked how she could participate in the
8 hanging of art and organization of the show itself if the art would be displayed on the second floor,
9 Ms. Kessner responded that someone could carry a phone so Plaintiff could watch. The replies
10 Plaintiff received from the Art Department confirmed that she, her work, and her participation in the
11 BFA program and final show were less than her non-disabled counterparts. The Art Department made
12 Plaintiff feel that no accessible options were possible or would be considered.

13 46. Upon finding out the 2023 Exhibition was scheduled to take place at an inaccessible
14 location, SDRC wanted to shut the 2023 Exhibition down entirely. This made Plaintiff feel that she
15 and her efforts to advocate for access to the show would cause her BFA peers to be denied the
16 opportunity to show their work at the much-anticipated final 2023 Exhibition. She felt that she was
17 being retaliated against for advocating for her rights. SDRC told Plaintiff that the decision to shut the
18 show down was because Humboldt was in the middle of litigation in another matter based on disability
19 access issues and that Humboldt did not want to increase its liability in that matter. In the end, the Art
20 Department figured out a way to install all the art pieces on the first floor of Art B. However, by that
21 time, the damage had already been done—the Art Department and Humboldt confirmed that disabled
22 students like Plaintiff have no place at Humboldt and that Humboldt would take action to ensure
23 accessibility only if a lawsuit was filed.

24 47. In several other instances, Plaintiff encountered other access barriers and was denied
25 reasonable accommodations related to her BFA major. For example, Plaintiff tried working with
26 Humboldt to ensure her classes were in accessible buildings, but many times her requests were not
27 accommodated. Several professors also refused her requests for more time to complete assignments
28 after she suffered from acute health conditions related to being forced to navigate around the many

1 barriers at Humboldt.

2 48. Plaintiff was also denied access to other areas of campus. For example, she wanted to
 3 attend art exhibits at the Goudi'ni Native American Arts Gallery ("Goudi'ni") and talks hosted in the
 4 Behavioral and Social Sciences ("BSS") Building, but unlike non-disabled students, she cannot do so
 5 without a vehicle, and even then, only with difficulty. These buildings are located up a hill with an
 6 extremely steep slope, and there is no accessible path of travel connecting them with the main campus.
 7 One time she missed a meeting for a class with her "Race and Inequality" professor because she could
 8 not find accessible parking at BSS where the meeting took place. The main parking lot for BSS does
 9 not have any wheelchair accessible parking. Goudi'ni has accessible parking for vehicles with
 10 Humboldt parking permits only.

11 49. Plaintiff is an Arcata resident and intends to remain in Arcata indefinitely after she
 12 graduates from Humboldt. Even after graduating from Humboldt, as an alumna she would like to
 13 access and participate in events hosted on campus and open to the public, such as shows held at the
 14 Theater; lectures and other events hosted on campus¹; art exhibits at Goudi'ni and the Reese Bullen
 15 Gallery; the annual BFA Exhibition; and other art shows that are hosted on campus in the art
 16 buildings, including Art A, Art B, the Sculpture Lab, and the Ceramics Lab.

17 50. Defendants (and their predecessors, for those named in their official capacities), have
 18 had actual and constructive notice of the barriers described above and others for several years.
 19 Enrolled students, faculty, employees, and members of the general public have informed Defendants
 20 (and their predecessors, for those named in their official capacities) of the many barriers to access at
 21 Humboldt and asked for the barriers to be removed, but the barriers remain.

22
 23 **FIRST CAUSE OF ACTION:**
 24 **VIOLATION OF TITLE II OF THE ADA**
 25 **[42 U.S.C. §§ 12101, *et seq.*]**
 26 **(Against All Defendants)**
 27

28

¹ For example, on February 7, 2020, Dr. Cornel West spoke at Humboldt as the keynote speaker of a series of events to celebrate Black Liberation Month. This event and others like it are open to the general public.

1 51. Plaintiff repleads and incorporates by reference, as if fully set forth again herein, the
2 allegations contained in all paragraphs of this Complaint and incorporates them herein by reference as
3 if separately repled.

4 52. At all times herein mentioned, Plaintiff was entitled to the protections of the “Public
5 Services” provisions of Title II of the ADA, Subpart A, which prohibits discrimination by any public
6 entity as defined by 42 U.S.C. section 12131. Plaintiff was at all times relevant herein a qualified
7 individual with a disability for all purposes under the ADA.

8 53. In violation of Title II of the ADA, Defendants have failed to ensure that individuals
9 with physical disabilities such as the Plaintiff are not excluded from “services, programs and
10 activities” at the subject facilities and property, which include classes and related academic programs
11 for enrolled students and events, lectures, shows, and exhibits hosted on campus and open to the
12 public. Because of Defendants’ failure to remove architectural, physical, and policy barriers to access
13 at the subject facilities so as to render them “accessible to and useable by” mobility impaired persons,
14 despite actual notice of the inaccessible conditions, and by its policy decisions as above-described
15 including actions and omissions by any predecessors in interest, Defendants have discriminated
16 against Plaintiff in violation of Title II of the ADA and the regulations adopted to implement the
17 ADA.

18 54. Despite being on actual and constructive notice of many access barriers at Humboldt,
19 Defendants (and their predecessors, for those named in their official capacities) have taken no action
20 or inadequate action to address and remove the access barriers.

21 55. As a result of such intentional discrimination, in violation of section 12132 of the ADA,
22 Plaintiff is entitled to the remedies, procedures and rights set forth in section 505 of the Rehabilitation
23 Act of 1973 (29 U.S.C. § 794a), as provided by section 12133 of the ADA.

24 56. As set forth above, Defendants discriminated against Plaintiff on the basis of her
25 disability by denying Plaintiff meaningful access to the services, programs, activities, benefits, and
26 facilities Defendants offer to other individuals.

57. Plaintiff's injuries are ongoing so long as Defendants do not modify their policies and procedures and provide meaningful access to services, programs, activities, benefits, and facilities at Humboldt to Plaintiff and other persons with similar mobility disabilities.

SECOND CAUSE OF ACTION:
VIOLATION OF SECTION 504 OF THE REHABILITATION ACT OF 1973
[29 U.S.C. § 794]

(Against Defendant Trustees and Doe Defendants 1-3)

58. Plaintiff repleads and incorporates by reference, as if fully set forth again herein, the allegations contained in all paragraphs of this Complaint and incorporate them herein as if separately repled.

59. At all times relevant to this action, the Section 504 of Rehabilitation Act of 1973 ("Rehab Act"), 29 U.S.C. § 794, was in full force and effect and applied to the Trustees' and Does 1-3's conduct.

60. At all times relevant to this action, the United States Department of Justice ("DOJ") regulations implementing the Rehabilitation Act were in full force and effect and applied to the Trustees' and Does 1-3's conduct.

61. At all times relevant to this action, Plaintiff has had substantial limitations to the major life activities of walking and standing within the meaning of the Rehabilitation Act regulations, 45 C.F.R. § 84.3(j). Accordingly, she is a qualified individual with a disability as defined in the Rehabilitation Act. 29 U.S.C. § 705(9).

62. Upon information and belief, at all times relevant to this action, the Trustees' and Does 1-3 received federal financial assistance and were therefore programs or activities receiving federal financial assistance pursuant to 29 U.S.C. § 794(b).

63. As recipients of federal funds, Trustees' and Does 1-3 cannot exclude Plaintiff from participation in, deny Plaintiff the benefits of, or subject Plaintiff to discrimination under any program or activity receiving Federal financial assistance. 29 U.S.C. § 794. Trustees' and Does 1-3 are also required to reasonably accommodate persons with disabilities in their facilities, programs, services, and activities and "afford handicapped persons equal opportunity to obtain the same result, to gain the

1 same benefit, or to reach the same level of achievement, in the most integrated setting appropriate to
2 the person's needs." 45 C.F.R. § 84.4(b)(2).

3 64. As set forth above, the Trustees and Does 1-3 discriminated against Plaintiff on the
4 basis of her disability by denying Plaintiff meaningful access to the services, programs, activities,
5 benefits, and facilities the Trustees and Does 1-3 offer to other individuals.

6 65. Plaintiffs' injuries are ongoing so long as the Trustees and Does 1-3 do not modify their
7 policies and procedures and provide meaningful access to services, programs, activities, benefits, and
8 facilities at Humboldt to Plaintiff and other persons with similar mobility disabilities.

9 **PRAYER FOR RELIEF**

10 Plaintiff has no adequate remedy at law to redress the wrongs suffered as stated in this
11 Complaint. Plaintiff has suffered and will continue to suffer irreparable injury because of the unlawful
12 acts, omissions, policies, and practices of Defendants as alleged herein, unless Plaintiff is granted the
13 relief she requests. Plaintiff and Defendants have an actual controversy and opposing legal positions as
14 to Defendants' violations of the laws of the United States and the State of California. The need for
15 relief is critical because the rights at issue are paramount under the laws of the United States and the
16 State of California.

17 WHEREFORE, Plaintiff prays for judgment and the following specific relief against
18 Defendants:

19 1. Issue a declaratory judgment that Defendants' conduct has violated, and continues to
20 violate, the ADA (42 U.S.C. § 12101, *et seq.*), Rehab Act (29 U.S.C. § 794), and accompanying
21 regulations;

22 2. Issue a preliminary and permanent injunction directing Defendants, as current owners,
23 operators, lessors, and/or lessees of the subject premises, and alternatively, as a governmental agencies
24 subject to Title II of the ADA an the Rehab Act, to: (a) modify the above described facilities at the
25 property and other non-conforming facilities and related described facilities and make appropriate
26 policy changes so that Plaintiff and similarly situated persons with disabilities may obtain the benefits
27 of, and access to Defendants' "programs, services and activities" in a "full and equal" manner as
28 required by law; (b) properly *maintain* such accessible facilities and policies once they are provided;

1 and (c) train their employees and agents in proper sensitivity to and appropriate responses to the needs
 2 and rights of Plaintiff and other physically disabled persons and take all reasonable steps to
 3 accommodate their needs, including, but not limited to, warning all disabled members of the public of
 4 the lack of access they may face if they attempt to visit or obtain public services at any portion of these
 5 premises, before such barriers are removed;

6 3. Order Defendants to alter their systemic policies, procedures, and practices to ensure
 7 that Plaintiff receives equal access to the services, programs, activities, benefits, and facilities at
 8 Humboldt in compliance with all laws that protect enrolled students and members of the general
 9 public;

10 4. Retain jurisdiction over Defendants until the Court is satisfied that Defendants'
 11 unlawful policies, practices, acts and omissions, and maintenance of physically inaccessible public
 12 facilities and policies as complained of here no longer occur, and cannot recur;

13 5. Award to Plaintiff all appropriate damages, including, but not limited to, statutory
 14 damages, general damages, and treble damages in amounts within the jurisdiction of the Court, all
 15 according to proof;

16 6. Award to Plaintiff attorney fees, litigation expenses, and costs of this proceeding;

17 7. Award pre- and post-judgment interest as permitted by law; and

18 8. Grant any other relief that this Court may deem just and proper.

19 Date: December 15, 2023

20 PEIFFER WOLF CARR KANE CONWAY
 21 & WISE, LLP

22 /s/ Catherine Cabalo
 23 By: CATHERINE CABALO, Esq.
 24 Attorney for Plaintiff
 25 ALYSSA RAVENWOOD
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JURY DEMAND

Plaintiff demands a trial by jury for all claims for which a jury is permitted.

Date: December 15, 2023

PEIFFER WOLF CARR KANE CONWAY
& WISE, LLP

/s/ Catherine Cabalo
By: CATHERINE CABALO, Esq.
Attorneys for Plaintiff
ALYSSA RAVENWOOD